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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/815,854	04/02/2004	Ronald Alexander Young	3011-1005	9888

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EXAMINER

BALSIS, SHAY L

ART UNIT	PAPER NUMBER
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1744

DATE MAILED: 07/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 10/815,854	Applicant(s) YOUNG, RONALD ALEXANDER	
	Examiner Shay L. Balsis	Art Unit 1744	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 2-5 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 6-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 April 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>5/2/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Applicant's election of figures 1-13 (claims 1, 6-20) in the reply filed on 5/26/06 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Claims 2-5 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected embodiment, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 5/26/06.

Information Disclosure Statement

The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609.04(a) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

Specification

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: Claim 7 states that two cleaning implements are provided and claim 10 states that the cleaning implement is reversible. These limitations are not supported in the specification.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the mope head with two cleaning implements

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(claim 7) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this

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application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1, 6, 10, 15-16 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-4, 8-11 and 13-14 of copending Application No. 11/362108.

Although the conflicting claims are not identical, they are not patentably distinct from each other because with regards to claim 1, application '108 teaches a mophead with a holder for holding an absorbent mop ('108, claim 1). There is a cleaning implement ('108, claim 1, attachment member and scrub element) attached to the holder and the implement can be attached permanently or disengageably ('108, claims 2, 3 and 9-11). With regards to claim 6, the cleaning implement is positioned on an edge of the holder ('108, claim 4). With regards to claim 10, the cleaning implement is multi-functional and reversible ('108, claims 13 and 14, different orientations, inverted and reversed). With regards to claims 15 and 16, the mop material is flexible strands or is a sheet(s) of flexible absorbent material ('108, claim 8)

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claims 1, 6 and 7 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-3 of copending Application No. 10/463262.

Although the conflicting claims are not identical, they are not patentably distinct from each other because with regards to claim 1, application '262 teaches a mophead with a holder for holding an absorbent mop ('262, claim 1). There is a cleaning implement ('262, claim 1, sheet, abrasive element) attached to the holder. With regards to claim 6, the cleaning implement is positioned on an

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edge of the holder ('262, claim 2). With regards to claim 7, there are two cleaning implements ('262, claim 3).

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 8-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 8 states, "A cleaning implement for use with a mophead as claimed in claim 1...". The mophead of claim 1 includes a holder, a mop attached to the holder and a cleaning implement, independent of the mop, attached to the holder. If claim 8 is claiming "A cleaning implement for use with a mophead as in claim 1," and the mophead of claim 1 already includes the limitation of a cleaning implement, it appears as if there is supposed to be a mophead with two cleaning implements (the first as in claim 1 and the second as in claim 8). Since there is not support in the specification or drawings for a mophead with two cleaning implements, it would appear as though the Applicant means to have the preamble of claim 8 read "The cleaning implement as claimed in claim 1,". Thus, the Examiner is examining the claim as if the Applicant meant to further limit the cleaning implement in claim 1.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 6-11, 14-15 and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Young (PGPub 2004/0255417).

With regards to claim 1, Young teaches a mophead comprising a holder (15), a flexible absorbent mop (11) held by the holder, and a cleaning implement (12, 13, 14) which is independent of the mop and is disengageably attachable to the holder adjacent the outside of the mop.

With regards to claim 6, the cleaning implement is positionable on an edge of the holder (figure 3).

With regards to claim 7, there are two cleaning implements (13 and 14).

With regards to claim 8, the cleaning implement is releasably attached to the holder by a retaining mechanism (17; [0014]).

With regards to claim 9, the cleaning implement is an abrasive pad ([0008]).

With regards to claim 10, the cleaning element is reversible (there is nothing preventing the implement from being attached to the holder backwards so that the abrasive pads are facing the mop).

With regards to claim 11, the retaining mechanism includes a channel element (apertures in the top of the implement in figure 2; [0014]) by which the cleaning implement is push-fit engageable with the holder.

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With regards to claim 14, the retaining mechanism includes a catch element (17) on the holder to engage the channel on the implement (figure 3).

With regards to claim 15, the mop is a bundle of flexible strands ([0010]).

With regards to claim 20, the mophead is used on a mop ([0009]).

Claims 1, 6-14, 16 and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Hofte et al. (PGPub 2005/0011536).

With regards to claim 1, Hofte teaches a mophead comprising a holder (40), a flexible absorbent mop (not shown but described in [0004]) held by the holder, and a cleaning implement (20) which is independent of the mop and is disengageably attachable to the holder adjacent the outside of the mop.

With regards to claim 6, the cleaning implement is positionable on an edge of the holder (figures 6, 7 and 10).

With regards to claim 7, there are two cleaning implements (figure 10 and [0031]).

With regards to claim 8, the cleaning implement is releasably attached to the holder by a retaining mechanism (125).

With regards to claim 9, the cleaning implement is an abrasive pad (320) or brush (1320).

With regards to claim 10, the cleaning element is reversible (if the abrasive pad is attached to the implement by a hook and loop material, as stated in [0073], then the pad could be rotated 180 degrees).

With regards to claim 11, the retaining mechanism includes a channel element (125) by which the cleaning implement is push-fit engageable with the holder.

With regards to claim 12, the retaining mechanism further includes a shoulder (2125) formed in the channel element.

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With regards to claim 13, the retaining mechanism further includes a slot (on figure 3, not labeled but shown as the slots running adjacent 1125, wherein 2125 is the bottom of the slot).

With regards to claim 14, the retaining mechanism includes a catch element (240) on the holder to engage the channel on the implement (figure 10).

With regards to claim 16, the mop is a sheet of flexible absorbent material ([0004] describes the SWIFFER WETJET absorbent pad).

With regards to claim 20, the mophead is used on a mop (10).

Claims 1, 6, 8-9, 11-14, 16-17 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Laux et al. (USPN 6336240).

With regards to claim 1, Laux teaches a mophead comprising a holder (12), a flexible absorbent mop (26) held by the holder, and a cleaning implement (48) which is independent of the mop and is disengageably attachable to the holder adjacent the outside of the mop.

With regards to claim 6, the cleaning implement is positionable on an edge of the holder (figures 1 and 2).

With regards to claim 8, the cleaning implement is releasably attached to the holder by a retaining mechanism (54, 56, 70, 72, 78, 80).

With regards to claim 9, the cleaning implement is an abrasive pad (col. 3, lines 20-21) or brush (84).

With regards to claim 11, the retaining mechanism includes a channel element (not labeled but located between elements 78 and 52, 80 and 52 in figure 2) by which the cleaning implement is push-fit engageable with the holder (see figure below).

With regards to claim 12, the retaining mechanism further includes a shoulder (78, 80) formed in the channel element.

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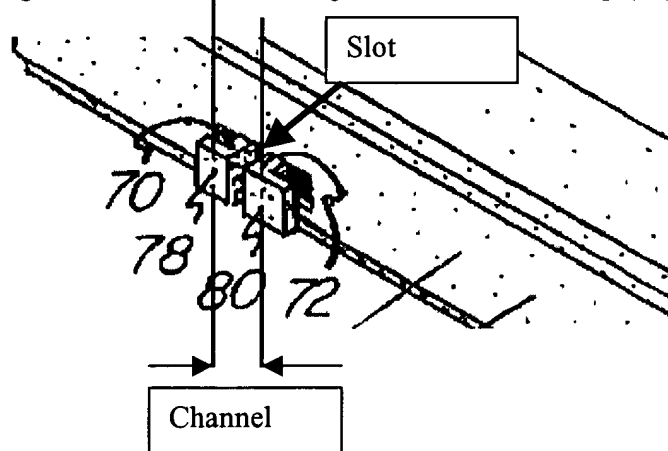
With regards to claim 13, the retaining mechanism further includes a slot (not labeled but located between elements 78 and 80 on figure 2) (see figure below).

With regards to claim 14, the retaining mechanism includes a catch element (58, 60, 74, 76) on the holder to engage the channel on the implement (figure 2).

With regards to claim 16, the mop is a sheet of flexible absorbent material (col. 2, lines 49-55).

With regards to claim 17, the mophead is used in combination with a wringer (28).

With regards to claim 20, the mophead is used on a mop (10).



Claims 1, 6, 8-9, 11-14, 16-17 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Lewis (USPN 6178581).

With regards to claim 1, Lewis teaches a mophead comprising a holder (20), a flexible absorbent mop (18) held by the holder, and a cleaning implement (10) which is independent of the mop and is disengageably attachable to the holder adjacent the outside of the mop.

With regards to claim 6, the cleaning implement is positionable on an edge of the holder (figures 1 and 2).

With regards to claim 8, the cleaning implement is releasably attached to the holder by a retaining mechanism (40, 50).

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With regards to claim 9, the cleaning implement is a brush (60).

With regards to claim 11, the retaining mechanism includes a channel element (not labeled but opening between elements 44 in figure 3) by which the cleaning implement is push-fit engageable with the holder.

With regards to claim 12, the retaining mechanism further includes a shoulder (40) formed in the channel element.

With regards to claim 13, the retaining mechanism further includes a slot (50).

With regards to claim 14, the retaining mechanism includes a catch element (48) on the holder to engage the channel on the implement (figure 2).

With regards to claim 16, the mop is a sheet of flexible absorbent material (col. 2, lines 66-67, state that element 18 is a sponge and a sponge is known in the art to be absorbent).

With regards to claim 17, the mophead is used in combination with a wringer (22, 24).

With regards to claim 20, the mophead is used on a mop (12).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Young ('417) in view of Morad et al. (USPN 6115877).

Young teaches all the essential elements of the claimed invention however fails to teach using the mophead in combination with a cleaning liquid container (claim 18) and a wringer (claim 19). Morad teaches bucket (12) for holding various liquid agents (col. 2, lines 18-22). The bucket also comprises a wringer (14). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the mop of Young in combination with the bucket and mop wringer of Morad. Figure 1 of Morad teaches using the bucket and wringer for the same type of mop as taught by Young. Therefore, the bucket and wringer of Morad would assist in removing excess liquid from the mop of Young as well as having a location for the dirty liquid as well as the clean liquid, thus making it easier to clean a surface.

International Search Report

The international search report has been considered and while the above rejections use some references from the report, other references have been found during the Examiner's search, which appears to be more pertinent to the claimed invention.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shay L. Balsis whose telephone number is 571-272-1268. The examiner can normally be reached on 7:30-5:00 M-Th, alternating F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gladys Corcoran can be reached on 571-272-1214. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



SLB
7/21/06